

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

HECTOR BATISTA,

Plaintiff,

vs

9:03-CV-523

GLENN S. GOORD, Commissioner of NYS DOCS;
PORTUANDO, Superintendent of Shawangunk
Correctional Facility; W. MANY, Deputy
Superintendent of Security at Shawangunk,
Correctional Facility; DONALD SELSKY, Director
of Special Housing Unit for NYS DOCS; S. DEUTSCH,
Facility Seward at Shawangunk Correctional Facility;
S. RENDER, Corrections Officer at Shawangunk
Correctional Facility; DEBORAH P. BEACH,
Forensic Scientist III for NYS Police,

Defendants.

APPEARANCES:

OF COUNSEL:

HECTOR BATISTA
93-A-0862
Plaintiff, Pro Se
Attica Correctional Facility
Box 149
Attica, NY 14011-1249

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
Department of Law
The Capitol
Albany, New York 12224

MARIA MORAN, ESQ.
Asst. Attorney General

DAVID N. HURD
United States District Judge

ORDER

Plaintiff, Hector Batista, brought this civil rights action pursuant to 42 U.S.C.

§ 1983. In a Report Recommendation dated August 28, 2005, the Honorable George H. Lowe, United States Magistrate Judge, recommended, that defendants motion for summary judgment be granted. The plaintiff has filed timely objections to the recommendations of the Magistrate Judge.

Based upon a de novo determination of the portions of the Report-Recommendation to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1).

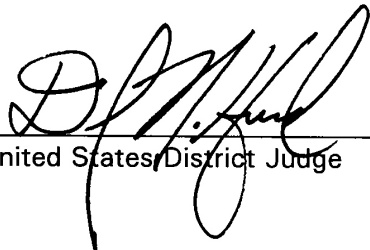
Accordingly, it is

ORDERED that the defendants' motion for summary judgment is GRANTED.

The Clerk is directed to file judgment accordingly.

IT IS SO ORDERED.

Dated: January 9, 2006
Utica, New York.


United States District Judge